



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

Indian Gaming Management
MS 2070-MTB

JAN 22 1999

Honorable Gray Davis
Governor of California
Sacramento, California 95814

Dear Governor Davis:

We have completed our review of the Tribal-State Gaming Compact between the Rincon San Luiseno Band of Mission Indians, (Tribe) and the State of California (State) executed on December 6, 1998. On January 6, 1999, George Skibine, Director of the Indian Gaming Management Staff requested comments regarding the California Supreme Court's December 2, 1998, stay orders in Hotel Employees & Restaurant Employees International Union v. Wilson, (No. S074850) and Cortez v. Wilson, (No. S074851). We have reviewed your comments dated January 19, 1999, regarding that stay. For the following reasons, this Compact is hereby disapproved.

It is our position that we can only approve compacts properly entered into between Indian tribes and states. The Compact was submitted in accordance with the Tribal Government and Economic Self-Sufficiency Act of 1998 (Proposition 5). The California Supreme Court stayed the "[i]mplementation of" Proposition 5.

Proposition 5 provides that in the event the Governor of California does not execute a Tribal-State Compact within 30 days of having received a request from a tribe to do so, then the Compact is "deemed agreed to" by operation of law. Section 98005. Your Compact was not executed by the Governor of California. It cannot be "deemed agreed to" by operation of law because California's highest court prohibited this law from being implemented when it granted the stay. Therefore, the Compact cannot be deemed approved by operation of law.

We regret that our decision could not be more favorable at this time.

Sincerely,


Assistant Secretary - Indian Affairs

Assistant Secretary - Indian Affairs

Similar Letter Sent To:

Honorable Edward T. Arviso
Tribal Chairman, Rincon San Luiseno
Band of Mission Indians
P.O. Box 68
Valley Center, California 92082